

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA

v.

Criminal No. 2:19-cr-47

DAVID ALCORN,
AGHEE WILLIAM SMITH II,
THOMAS L. BARNETT, and
NORMA JEAN COFFIN,

Defendants.

ORDER

The United States has filed an unopposed motion, pursuant to Federal Rule of Criminal Procedure 15(a)(1), to take videotaped depositions of witnesses RC, SB, VH, KS, PY, and BB.

The Court hereby FINDS that (1) the witnesses' testimony could provide substantial proof of a material fact in this felony prosecution; (2) there is a substantial likelihood that the witnesses' attendance at trial in the United States is not possible due to the witnesses' age and health conditions; (3) the defendants will waive in writing their right to be present at the depositions if they so choose; and (4) the defendants can meaningfully participate in each deposition through reasonable means, as outlined in detail below.

The Court therefore GRANTS the United States' motion and ORDERS that the United States is permitted to conduct the pre-trial videotaped deposition of RC, SB, VH, KS, PY, and BB at either the closest United States Attorney's Office or U.S. District Court to the relative witness. Or, if restrictions due to the pandemic or logistics disallow these options, the parties will agree on another location. For each deposition: (1) a video-teleconferencing (VTC) or Zoom for Government link will be established between the place where RC, SB, VH, KS, PY,

and BB are located, and a courtroom in the United States District Courthouse for the Eastern District of Virginia, Norfolk Division or other agreed location, depending on the location of the defendant and their respective attorney, and (2) defendants, along with their counsel, should they elect not to attend the depositions in person, will be present at such location and connected to the deposition by reliable electronic means, all for the purpose of conducting the deposition.

Regardless of where the depositions are held in the United States, the same parties – the defendants, their counsel, an attorney for the government, a court reporter, and videographer – will all be present, and any objections that arise will be noted for the record.

It is further ORDERED that, as the proponent of this motion, the government will be responsible for all costs relating to the depositions, including defense counsel and defendants' travel, videotaping, and court reporting.

SO ORDERED this _____ day of October, 2021, at Norfolk, Virginia.

The Honorable Raymond A. Jackson
United States District Judge